

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

CENTOCOR, INC., ET AL.	§	
	§	
V.	§	CIVIL NO. 2:07-CV-139(TJW)
	§	
ABBOTT LABORATORIES	§	

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ATTORNEY FOR PLAINTIFFS:	Dick Sayles, Dianne B. Elderkin, Barbara Mullin
Eric Harris, Corp. Rep	Steven Maslowski, Angela Verrecchio

ATTORNEY FOR DEFENDANT:	David Beck, William Lee, Gil Gillam, Amy
Dr. Jochen Salfeld	Wigmore, Bill McElwain

LAW CLERK:	Chris Smith, Ifti Ahmed
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COURTROOM DEPUTY:	Sonja H. Dupree
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COURT REPORTER:	Shelly Holmes
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INEQUITABLE CONDUCT HEARING  
August 4, 2009 @ 9:00 a.m.

OPEN: <u>9:00</u>	ADJOURN: <u>5:06</u>
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Court opened. The case was called. Ms. Elderkin announced ready on behalf of plaintiff. Mr. Beck announced ready for the defendant.

Mr. Lee - parties will be using exhibits already admitted. There are two defendant's exhibits that are new. They are DX 79 and DX 80. DX 79 is a data sheet, and DX 80 is a letter.

Ms. Elderkin stated plaintiff's objections to the two exhibits. Mr. Lee responded. The Court received the exhibits.

Mr. Lee made opening statement for the defendant.

9:45 - Ms. Elderkin made opening statement for the plaintiff.

10:03 - Defendant called Dr. James D. Marks. The witness was sworn. Direct examination of the witness was conducted by Mr. Lee.

10:45 - Morning recess; to return at 10:55.

Cross of Dr. Marks was conducted by Ms. Mullins for the plaintiff.

11:37 - Redirect of Dr. Marks by Mr. Lee.

11:42 - The Court had a question for the witness, and Dr. Marks responded.

Defendant called Jan Vilcek by video deposition.

11:51 - Defendant called Ms. Deirdre Sanders by video deposition.

12:03 - Lunch break; to return at 1:15.

1:17 - Defendant called Arthur Steiner. The witness was sworn. Direct examination of Mr. Steiner was conducted by Mr. McElwain.

1:42 - Cross examination of Mr. McElwain was conducted by Ms. Elderkin for the plaintiff.

2:00 - No further questions from defendant.

Defendant called John Poulos. The witness was sworn.

Mr. Beck would like to offer defendant's exhibits 836, 806, 803, 804 and 807. Plaintiff had no objections. The Court admitted those exhibits.

Direct examination of witness was conducted by Mr. Beck.

2:25 - Cross examination of Mr. Poulos by Ms. Elderkin.

2:30 - Mr. Lee announced that defendant rests.

2:31 - Ms. Verrecchio introduced the video deposition of Mr. Salfield.

2:34- Next video deposition was of Dr. Jan Vilcek.

The third video deposition shown was the deposition of David Knight.

The fourth video deposition that was shown by the defendant was the deposition of John Conway.

2:44 - Afternoon recess; to return at 3:00.

3:03 - Court reconvened.

Mr. Beck asked that defendant's exhibit 836, which was offered today, be sealed. The Court ordered the exhibit sealed.

Plaintiff called Gerald Murphy. The witness was sworn. Direct examination of Mr. Murphy was conducted by Ms. Elderkin.

3:35 - Cross examination of Mr. Murphy was conducted by Mr. Lee.

3:50 - Redirect of Mr. Murphy by Ms. Elderkin.

3:51 - Re-cross of Mr. Murphy by Mr. Lee.

3:53 - Witness excused.

3:54 - Plaintiff presented several deposition clips for the Court's review.

3:56 - Recess.

4:15 - Court reconvened. Parties asked that they have two weeks from Friday to file their findings of fact and conclusions of law. The Court agreed to their request.

4:19 - Mr. Lee made closing argument for defendant.

4:32 - Ms. Elderkin made closing argument for the plaintiff.

5:00 - Mr. Lee completed defendant's closing.

5:05 - Findings of fact due Friday, August 21<sup>st</sup>.

5:06 - Adjourned.